

## **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, JANUARY 12, 2009**

**6:00 p.m.** Workshop

**7:00 p.m.** Call to Order

**6:00 p.m. WORKSHOP** with the Route 88 Bike/Pedestrian Committee re: Committee report and recommendation.

### **I. APPROVAL OF MINUTES**

December 22, 2008

### **II. MANAGER'S REPORT**

### **III. PUBLIC DISCUSSION**

### **IV. LEGISLATION AND POLICY**

**09 – 001** To hear a report from Library Director, Thomas Bennett re: Library update.

**09 – 002** To appoint members to Town Boards/Committees for 2009.

**09 – 003** To hold a Public Hearing to act on the 2009 Municipal Warrant for unlicensed dog owners/keepers.

**09 – 004** To hold a Public Hearing to consider and act on the Greely High School Swimming Pool License renewal for calendar year 2009.

**09 – 005** To hold a Public Hearing to consider and act on a Victualer's License for Bernie's Xpress located at 121 Blackstrap Road for the period of *January 2009 – June 2009*.

**09 – 006** To set a Public Hearing date (*January 26th*) to consider and act on a Victualer's License, Special Amusement Permit, Class I Liquor License, and Mobile Service Cart License for The Sparrow's Nest d/b/a Viking Grill for the period of

*February 2009 – February 2010.*

**09 – 007** To set a Public Hearing date (*January 26th*) to consider and act on amendment to Article XIV, Section 14-3 of the Cumberland Traffic Ordinance, prohibiting parking on the west side of Blanchard Road, south of the exit for Sevee & Maher and to the west side of Main Street through and including the new church exit.

**09 - 008** To hear a report from the Finance Committee Chair re: FY'09 2nd quarter financials.

## **V. NEW BUSINESS**

## **VI. ADJOURNMENT**

## **VII. WORKSHOP** (after Council meeting) re: goal setting for FY'10

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, DECEMBER 22, 2008**

**7:00 p.m. Call to Order**

Roll Call: Chairman Turner, Councilors Copp, Perfetti, Storey-King, Porter, Stiles and Moriarty.

## **I. APPROVAL OF MINUTES**

December 8, 2008

Motion by Councilor Moriarty, seconded by Councilor Stiles, to approve the minutes with three housekeeping changes as noted.

VOTE: UNANIMOUS PASSAGE 7-0

## **II. MANAGER'S REPORT**

## **III. PUBLIC DISCUSSION**

## **IV. LEGISLATION AND POLICY**

**08 – 188. To hear a report from the Doane Property Advisory Committee and forward to the Planning Board for Public Hearing and recommendation.**

Committee Chair, Pam Russell, articulated the committee's recommendation to "remove this property from the non-conforming asset status...and encourage new development consistent with accepted rules protecting environmentally-sensitive slopes and wetlands and controlling impact on the area neighbors." Ms. Russell recognized committee members April Caron, Jeff Daigle, Dave Finnegan, Kathleen Lynch, Liam Russell, John Stroud, Bill Ward, and councilors Ron Copp, Mike Perfetti and Jeff Porter. The Doane property is a town-owned parcel slightly larger than 40 acres and accessible from Drowne Road. The committee held approximately ten meetings over the last year with a focus on gathering data to "learn as much as we could about the property." The committee explored certain feasibility of housing and development with consideration for open space and came to the conclusion "this property is a non-performing asset for the town and not necessarily a liability. We were looking at ways to make it a performing asset for the community." The committee reviewed site access, road and utility extensions, local impact to development, sample build out housing units, and costs. "We did feel strongly that we didn't want the taxpayers to be incurring any costs in this project." The committee also felt they should look at the property itself and not the access to the site. The existing RR1 Zone does "not make allowances for many of the uses that we thought might make sense for this property" and after reviewing all zoning options, the committee "came to the conclusion it made the most sense to create an entirely new zone," recommending the VMUZ (Village Mixed-Use Zone). There's "already a commercial and industrial aspect to the site...the access to the site is less residential and light commercial use could provide a buffer to any additional residential use." The zone does not include any mandatory standards for affordability or energy efficiency, but the committee encourages the town "to consider some incentives for anybody that wanted to use these practices." The committee does not believe it is in the best interest of the taxpayer for the town to participate financially in the management or development of this property and recommend selling the site to a private developer. The committee also felt this property should not be viewed as "the new Main Street." Main Street "is the center of gravity...and we didn't want to see that shift." Councilor Porter thanked Ms. Russell and the committee for their work.

Motion by Councilor Perfetti, seconded by Councilor Porter, to move forward to the Planning Board for review and recommendation a report from the Doane Property Advisory Committee.  
VOTE: UNANIMOUS PASSAGE 7-0

**08 – 189. To consider and act upon establishing a Village Center Committee.**

Councilor Perfetti requested consideration of the formation of a committee of nine members from a cross section of the community to consider, review and recommend: the needs and wants of the current and future residents of Cumberland as it relates specifically to the geography described below; review the history of the zone; review the current permitted uses versus current actual uses; review the 1998 Comprehensive Plan and the most recent comprehensive plan survey; review and consider current and future best practices of land use and land use planning in town centers; and to make a recommendation to the Town Council for action, either to change the zone or to leave it as is. If a change is recommended, specific recommended changes should be clear. The area encompasses the section from Greely Road to the Corey Road Business Park, and on Blanchard Road from Sweetser's Log Cabin across Tuttle Road, extending to Town Hall. Councilor Perfetti recommends the committee submit a final report to the council by June 30, 2009.

Chairman Turner requested council comments and stated that he remains skeptical about the merit of the committee due to the limited number of properties in the described area "that aren't already commercial" or that lend themselves "to ever being commercial." He believes Contract Zoning provides a much greater degree of control. In response, Councilor Perfetti stated he is "not expecting a radical change" and referenced the numerous successes achieved through the "effective use of committees," articulating several examples including the recent Route 100 and Doane Property Committees, Pay-As-You-Throw Committee (recycling), Rines Forest, Twin Brooks, and the Cool Cities Committee (energy conservation). "Committees, if charged properly" can offer the council access to the best minds in the community, and bring opposing views together for a "workable solution. With this committee, "We might be able to move beyond this issue and put away some of the animosity that's been created." 67% of the Comprehensive Plan Survey respondents support pursuing a town-center plan, and 64% disagree that nothing should be done. "I think there is an impetus there for some action." With a third Contract Zone request likely for the flower shop property, he is concerned that the town will "essentially and effectively rezone Main Street one plot of land at a time." He conceded the point that if any portion of the area is rezoned "it does not preclude a contract zone in the future" adding that a vision for the area, however, would "reduce the need" for a contract zone "if not eliminate the possibility of one. Through grandfathering, special exceptions, and contract zones, we have a zone in the center of town that behaves differently than what is stated in the current zoning language. We have an opportunity to rectify this and make a zone that is compatible with the neighborhood and a benefit to the entire community." He believes a committee's review will turn short-term uncertainty for the neighbors into predictability for all residents in town.

Councilor Moriarty expressed support generally for the benefit of committees noting, "it's an idea well worth consideration." However, "I don't think we're quite ready to do that yet." After review, he felt the ordinance was "confusing and inconsistent" and he suggested a council workshop and Ordinance Subcommittee meeting with Code Enforcement Officer Bill Longley to discuss the interpretation and application of the current provisions "in the absence of any sort of rezoning." Councilor Porter expressed support for the timing of this committee, adding there has been several opportunities over the past six years to "plan for a change as opposed to react. I would rather we plan for this." He believes the majority of survey respondents expressed interest in uses like restaurants, credit unions, and bed and breakfasts. "We're talking about a small amount of uses." He referred to the "abutter's veto" response to several projects proposed during

his time on the council, stating if the town reacted to the opposition, there would have been no support for the Middle School or senior housing on Main Street. “We’ve got to decide as a council whether or not we want to see some selected business on Main Street. Why are we averse to some things that used to be on Main Street?” He has no concern with the use of contract zoning; however, he does not believe it to be “the preferred way to do business development in our community. I’ll do it if I have to. The reason to go forward with this is because it provides us with a stronger village center. Our village center in this community is Main Street, has been Main Street, hopefully always will be Main Street.”

Councilor Moriarty responded the non-conforming issues include the lapse period and the possibility for expansion or replacement. The lapse period of one year is a feature of our current zoning which we can review. “There is more allowance than we have assumed to be the case” in the existing ordinance with regard to expansion and replacement, but the language “is inconsistent in some places and really needs some polishing. I don’t dislike your idea at all; I just think we need to thoroughly understand, as does the neighborhood, what already can be done.” Councilor Stiles supported Councilor Moriarty regarding the need for a review of the existing ordinance “because we may in fact have what we need already.” Councilor Copp agreed with the need for a committee review, adding “But I really don’t see the push for tonight. No matter how you zone this, it’s going to take a tremendous amount of work.” Councilor Storey-King agreed with the lack of urgency requiring action this evening. “We need to take some time and articulate that vision” before we put together a committee.

During public comment, Mr. Robert Vail, expressed agreement with Councilor Storey-King’s request for a vision. People who resided in Cumberland owned the previous businesses on Main Street. “I’m not opposed to seeing businesses on Main Street. My deepest fear is seeing that piece change.” He appreciates the debate of the merits of a proposal that comes with a contract zone. Dan Nuzzi, Main Street, stated we all need to have a vision for Main Street suggesting the committee is the appropriate avenue to articulate that vision. “Main Street as it exists in Cumberland is a jewel. We do not want to turn it into a Freeport.” The vision will also provide guidance to the council when considering a contract zone request. Melissa Katine, 325 Main Street, has a home business allowed through contract zoning. She chose the property because it offered sidewalks, neighbors with children and a school nearby. “We wanted to be members of this community, and I do have concerns about that.” She asked that the impact to the property owners on the abutting side streets also be considered. Doug Currier, 321 Main Street, suggested the more control the council has and more input the residents have the better. He believes a contract zone does that. He supports the need for a vision statement, but the committee at this stage “is probably a little bit premature.” Ivy Frignoca, a Cottage Farm resident, suggested the concern of residents in the greater Main Street area is “what is the vision?” It has become increasingly more dangerous for her children to walk to school. “It seems to me that contract zoning appears ad hoc.” Kay Mullen, Farwell Avenue, has a concern over safety at the corner of Farwell and Main Street, especially between 7 and 9 am and 2 and 4 pm, because of additional foot traffic and pedestrians. Bill Follett, Main Street, supports a committee because it will provide stakeholder participation. The comprehensive plan is too broad to provide a decision on something as focused as Main Street. “I would really like to look at it as a whole. If we don’t do it now, when are we going to do it?” Pam Russell, Olivia Lane, suggested people really don’t understand what the rules are. “There’s just a lack of general understanding,” referring specifically to the florist shop property. She supports a committee and added the high school has changed the landscape of Main Street dramatically. The school system “is already the biggest business in town.” Councilor Moriarty responded that a zoning change is not needed to address the safety and sidewalk concerns. The town council eliminated commercial and business uses in the MDR twenty-two years ago. To imply there has never been a vision is to misstate the situation. The question is “do we tackle or upset that vision” or review the tools available under existing zoning without opening it up for broader based commercialization. Chairman Turner announced there was not a consensus among the council to create the committee this evening.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to table the item to the first meeting in March (9) 2009 at which time he hopes to receive information from the Ordinance Subcommittee.

VOTE: PASSAGE 5-2 (Councilors Perfetti and Porter)

**08 – 190. To consider and act on amendments to Sections 4, 5 & 8 of the Cumberland Property Tax Assistance Ordinance to lengthen the dates for application submissions, determinations of eligibility, and payments.**

Councilor Stiles explained the application submission, eligibility determination and payment periods have been extended from November to January, December to January, and December to February, respectively. The town will advertise these dates next year and will contact the state to request they notify our citizens.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to amend Sections 4, 5 and 8 of the Cumberland Property Tax Assistance Ordinance to lengthen the dates for application submissions, determinations of eligibility, and payments.

VOTE: UNANIMOUS PASSAGE 7-0

**08 – 191. To set a Public Hearing date (January 12<sup>th</sup>) to act on the 2009 Municipal Warrant for Unlicensed Dog Owners/Keepers.**

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a public hearing date of January 12, 2009 to consider and act on the 2009 Municipal Warrant for Unlicensed Dogs.

VOTE: UNANIMOUS PASSAGE 7-0

**08 – 192. To set a Public Hearing date (January 12<sup>th</sup>) to consider and act on the Greely High School Swimming Pool License renewal for calendar year 2009.**

Motion by Councilor Stiles, seconded by Councilor Copp, to set a public hearing date of January 12, 2009 to consider and act on the Greely High School Swimming Pool License renewal for calendar year 2009.

VOTE: UNANIMOUS PASSAGE 7-0

**08 – 193. To re-appoint the Town Clerk as Register of Voters for the period of January 2009 – January 2011.**

Motion by Councilor Porter, seconded by Councilor Storey-King, to re-appoint the Town Clerk as Registrar of Voters for the period of January 2009 through January 2011.

VOTE: UNANIMOUS PASSAGE 7-0

Councilor Stiles commended the Town Clerk and staff for a “fantastic job” this election year.

**08 – 194. To accept an anonymous donation to the town’s General Assistance Fund to be used for fuel assistance.**

The Manager explained the town received a “very generous gift” in the amount of \$10,000 from a resident donor, and recommended using the funds through the town general assistance program to provide fuel assistance. He will send the donors a gift letter for tax purposes.

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the Town Manager to accept an anonymous donation to the town's General Assistance Fund to be used for fuel assistance.

VOTE: UNANIMOUS PASSAGE 6-0 (Councilor Moriarty out of chambers)

## **V. NEW BUSINESS**

**Ron Copp** – reminder re: no parking during winter storms.

**Perfetti** – Happy Holidays.

**Storey-King** – GHS student council sponsoring a Celtic music concert on 1/17 at GMS; tickets obtained on MSAD 51 website; did a test run of the one-stop shopping at town hall - registering two dogs, and purchasing a clamming license, a combo hunting & fishing, and a fishing license; received a couple of concerns regarding snow blocked fire hydrants and stated homeowners assistance in shoveling them out would be greatly appreciated; thanked the public servants – fire, public works, police – who have been missing sleep the last couple of weeks; appreciate the patience of the community; wished peace and calm for the holidays.

**Porter** – requested an update re: revenues; we are tracking slightly down; thanked public works, fire and police for their work during the recent ice and snow storms; public works assisted his daughter with a stuck vehicle.

**Turner** – Happy Holidays.

**Stiles** – Motion by Councilor Stiles to authorize the Town Manager to restrict travel or close Range Road as necessary due to winter events and deterioration on that road. The Town Manager requested he be authorized to work with the Police Chief to review Range Road for safety reasons and post or close the road if necessary in the next few weeks.

Councilor Stiles amended his motion to request a Road Closed – Local Traffic Only posting; seconded by Councilor Moriarty.

VOTE: UNANIMOUS PASSAGE 7-0

Extended job well done to all public safety personnel during the ice storm and reinforced that we do not have the ability to turn on the power; asked Town Manager to post signs in future directing residents to shelter locations; please stay on marked trails at Val Halla when using snowmobiles; asked about new sewer hook-ups and Town Manager indicated we've had close to 50 since we implemented the amnesty program.

**Moriarty** – echoed thanks to public service personnel; remarkable job to public works.

**Town Manager** – Bill Landis and Steve Googins have done an outstanding job holding this together the last few weeks; our policy with hydrants is to shovel them out after the crews have had a night's rest; had to push the snow into a pile in the school lots due to lot design; echoed sentiments to crew for ice storm response by all teams; we learned a lot from that; reminder re: January 17, 2009 rabies clinic at Town hall, late fee dog license fines begin on February 1<sup>st</sup>; report from Efficiency Maine re: a business efficiency audit which will be reviewed by the Cool Cities Committee.

**VI. ADJOURNMENT**

Motion by Councilor Copp, seconded by Councilor Perfetti, to adjourn.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 9:10 p.m.

Nadeen Daniels

Town Clerk